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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,001

09/24/2003

Kenneth James Park

SLA.1277

6228

55376

7590

07/29/2008

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EXAMINER

JACKSON, BLANE J

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/670,001	Applicant(s) PARK ET AL.	
	Examiner Blane J. Jackson	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,6 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 April 2008 has been entered.

Information Disclosure Statement

The Information Disclosure Statement Filed 04 April 2008 has been made of record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu et al. (US 2004/0014490) in view of Hayes, Jr. et al. (US 5,974,312).

As to claims 5, 6, 18, 19 and 20, Muramatsu teaches a method of transferring *data* to a mobile communication device having data storage locations therein, wherein the mobile

communication device includes an optical capture mechanism (figures 2 and 8, cellular telephone comprising a code reading apparatus), the method comprising:

Converting *data* to be transferred to the mobile communications device into one or more graphic representations readable by the optical capture mechanism of the mobile communication device (figures 1 and 2, paragraphs 0005-0006 and 0039, rendering cellular phone ring tone data, text data or other data into a two-dimensional code that is then printed to be read by the optical capture mechanism or CCD camera (7) of the cellular phone (1)),

Reading the one or more graphic representations with the optical capture mechanism of the mobile communication device (figures 5-8, paragraphs 0025 and 0029-0034, the cellular phone or mobile communication device is selected to a barcode mode and used to read the presented two dimensional code),

Determining, for each graphic representation read, whether the graphic representation is successfully captured and, if not, performing the reading step again until the capture is successful (figure 8, paragraph 0032, the code reading process checks that the reading is successful (S39)),

Decoding, in the mobile communication device, the one or more graphic representations read by the optical capture mechanism, using the algorithm to convert the one or more graphic representations into data for storage in the mobile communication device (figures 2 and 4, paragraphs 0028 and 0035-0039, the type data is identified, decrypted and displayed or stored), and

Storing the *data* in data storage locations in the mobile communication device (figure 2, paragraphs 0035-0039, the ring tone data, text data **or other types of data** is stored in memory (18) or displayed according to the type of data).

Muramatsu teaches a method of transferring ring tone data, text data or other data but does not specify factory default setting data, preferred roaming list data or transferring the data at the time of manufacture).

Hayes teaches a wireless programmer for updating the programmed memory in an electronic device, a cellular telephone, via a wireless data transfer, column 3, line 65 to column 4, line 19. Hayes further teaches the reprogramming the memories of the devices can occur after the devices have been manufactured and packaged but prior shipment from the factory if the stored program code contains errors or an incorrect operational parameter that needs to be changed, column 4, line 57 to column 5, line 14. Hayes discloses the wireless programmer comprises a bar code reader with an alternative short range RF communication protocol, infrared channel or magnetic to support reprogramming of the devices, column 2, lines 36-51 and column 4, lines 4-23.

Since Muramatsu teaches cellular telephone capable to read bar codes encoded with several types of data, it would have been obvious to one of ordinary skill in the art at the time of the invention to realize the data transfer method of Muramatsu could occur prior to or after leaving the factory as performed by the wireless programmer of Hayes to program the mobile communication device with the appropriate type data for the desired operation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Thursday, 8:30 AM-7:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blane J Jackson/
Primary Examiner, Art Unit 2618